

REMARKS

Claims 1 through 19 are pending in the subject patent application, those claims having been filed in a Preliminary Amendment on January 16, 2004, and received in the Patent Office on January 20, 2004. Claims 12 through 19 have been allowed. Claims 1, 2, 8, and 9 have been provisionally rejected. Claims 3 through 7, 10, and 11 have been objected to as being dependent on a rejected base claim.

The Examiner has indicated that he did not review some of the references submitted in the Information Disclosure Statements, because the references were not associated with the file. In view of the fact that the references were properly listed in the Information Disclosure Statements and properly submitted in a parent application, the Applicants respectfully request that they be reviewed by the Examiner. If there is a problem with availability of any of these references, please inform the undersigned.

Discussion of Amendments to the Drawings

The Examiner has objected to the drawings on the basis of informalities. Attorney for Applicants acknowledges the aforementioned informalities, and they will be appropriately amended upon receipt of the Notice of Allowability.

Discussion of Provisional Rejections for Obviousness Type Double Patenting

Claims 1, 2, 8, and 9 have been provisionally rejected by the Examiner under the judicially created doctrine of obviousness type double patenting over the claims of co-pending application 10/757,029, which is commonly owned with the present application, by MedNovus, Inc., and Quantum Magnetics, Inc., as joint owners of a 100% interest. The undersigned respectfully submits herewith a Terminal Disclaimer in behalf of these owners, thereby overcoming these provisional rejections.

Discussion of Objections to the Claims

The Examiner has indicated that claims 3 through 7, 10 and 11 would be allowable, but they are objected to as being dependent on rejected base claims. However, the claims upon which these claims depend have been rendered allowable by the enclosed Terminal Disclaimer, and claims 3 through 7, 10 and 11 are therefore also allowable.



The Applicant respectfully submits that claims 1 through 19 are patentable, and that the application is now in a condition for allowance. An early Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at (360)692-4506 for any reason that would advance the instant application to issue.

Dated this 8th day of March, 2005.

Respectfully submitted,

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CERTIFICATE OF MAILING UNDER 37 CFR § 1.8

I hereby certify that this Response to Office Action is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria VA 22313-1450, on this, the 8th day of March, 2005.

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